

BEFORE THE DIVISION OF WATER RIGHTS
Department of Public Works
State of California

Decision file

IN THE MATTER OF APPLICATION NUMBER 2875 OF THE SAN YSIDRO IRRIGATION
DISTRICT, FOR A PERMIT TO APPROPRIATE WATER FROM TIA JUANA RIVER
IN SAN DIEGO COUNTY, FOR IRRIGATION AND DOMESTIC PURPOSES

DECISION A-2675. D 23
Decided August 30, 1924.

PROTESTANTS:

Coronado Water Company
Herbert Peery

APPEARANCES AT HEARING:

For Applicant- George A. Maywood
For Coronado Water Company- R. G. Dilworth
Herbert Peery - in propria persona.

Donald M. Baker, Examiner.

Edward Hyatt, Jr., Acting Chief of Division of Water Rights.

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O P I N I O N

This is an application filed by the San Ysidro Irrigation District on June 10, 1922, for permit to appropriate 1.00 cubic foot per second of the underground flow of Tia Juana Valley Basin, in San Diego County, for irrigation and domestic uses within the boundaries of said District, which contains 492 acres.

Applicant claims a prescriptive right, based upon past use, equivalent to 1.356 cubic feet per second, and the amount asked for in the present application would increase the total amount of their right to 2.356 cubic feet per second.

The Coronado Water Company, in protesting, alleges that the amount claimed by applicant under its prescriptive right is sufficient without further increase, to supply its future needs, and that the present additional amount is unnecessary.

Herbert Peery contends that diversion by applicant at such times as water is not running in the River at its point of diversion will lower the water plane under his (Peery's) lands, which lie several miles downstream from applicant's proposed diversion, and by so doing will require him to install new pumping equipment of a different type, would prevent certain of his land from being sub-irrigated, and would cause an influx of salt water from the Pacific Ocean.

It therefore appears that there are two main points at issue; the necessity of the applicant for this amount of water, and the effect of this diversion upon Protestant Peery's lands and use of water.

The amount of applicant's present right, based upon past use, of 1.356 cubic feet per second does not appear to be disputed, and for the purposes of this discussion it will be assumed that it could be sustained. This right would allow the applicant 982 acre feet or approximately 320,000,000 gallons per year.

Applicant states that the territory within its limits is rapidly developing into an urban community, that its population is rapidly increasing, and that the time will soon come when all of the land lying above the River bottom, aggregating about 400 acres, will be subdivided and closely settled up.

It can never be expected that the density of populations in this area will much exceed 15 persons per acre, which would give a total of 6000 inhabitants with a per capita consumption of 160 gallons per day, the figure

used by applicant's engineers. This population will need 350,000,000 gallons per year. If the population becomes more dense, the per capita use will decrease, so this may be expected to approximate the maximum use for this purpose. Added to this will be the water necessary for the irrigation of the 92 acres of bottom land, which at 1,000,000 gallons, or about 3 acre feet per acre, will necessitate a total of 442,000,000 gallons per annum or 1350 acre feet.

The amount applied for under the present application, added to that claimed under prior rights, would furnish a total of 555,000,000 gallons or 1705 acre feet per annum, which is about 25% in excess of their maximum probable needs. As a matter of precaution, however, it is not thought best at this time to reduce the amount applied for, in view of the possibility of successful attacks upon the prior right claimed by applicant, and therefore the permit will be issued for the full amount named in the application with a proviso, however, that the total amount diverted under prior rights and under the permit shall never exceed 1350 acre feet per year.

Not all of this water will be lost to the underflow of the basin after it has been withdrawn therefrom, as a certain proportion probably around 25% will be returned, making the net draft upon the basin in the neighborhood of 1900 to 1100 acre feet.

The large area of the watershed of the Tia Juana River, the character of the watershed, the records of water crop which are available upon adjacent watersheds, all of which were discussed in previous hearings held upon Application No. 1851 of the Coronado Water Company, indicate that this watershed should furnish in average years ample water for all uses in the Tia Juana Valley and adjacent areas using water therefrom.

It is a well known fact, and was brought out at the hearing held on this application and Application No. 1851, that Southern California is subject to prolonged periods of drought. During these periods there may occur one or more years in succession when the draft upon the underflow in the Basin may exceed the supply, and there may consequently result a lowering of the water level of the underflow. At such times prior rights might be effected were it not that any permit granted under this application can only be granted subject to existing rights, and the owners of such rights have in such periods the remedy of injunction if their rights are injured.

The main purpose of the doctrine of prior appropriations is to provide an orderly procedure to be followed in the use of water which will allow water development to proceed under this condition of fluctuating supply, and will protect prior rights. Were development of the State's water resources to be allowed based only upon the water available in minimum years, practically no future development could be expected.

It would therefore appear that there is unappropriated water in the source given in the application, available for appropriation; that the amount to be granted in the permit in addition to that claimed under existing rights will not be excess of probable future needs of applicant, and that owners of existing rights will have an adequate remedy at law if these rights are infringed upon at any time in the future.

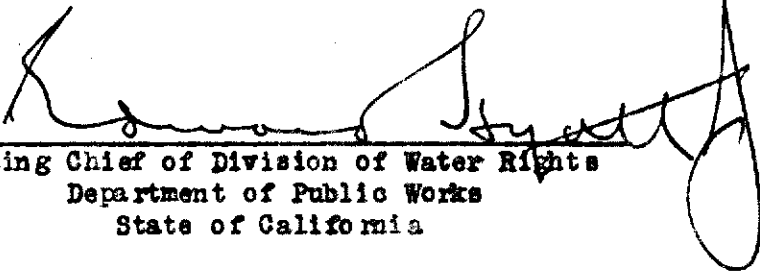
ORDER

Application No. 2875 having been regularly filed with the Division of Water Rights as above stated, protests having been filed, a public hearing having been held, and the Division of Water Rights being now fully informed in the matter,

IT IS HEREBY ORDERED, that Application No. 2875 be approved and permit issued subject to such of the usual terms and conditions as may be appropriate, and with the following special term and condition:

The amount of water diverted under this permit, together with that received under existing rights of permittee herein, shall not exceed one thousand three hundred fifty (1,350) acre-feet during any one calendar year.

Dated at Sacramento, California, this 30th day of ~~August~~, 1924.



Acting Chief of Division of Water Rights
Department of Public Works
State of California